

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
- v. -	:	S3 17 Cr. 548 (PAC)
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JOSHUA ADAM SCHULTE,	:	[PROPOSED]
	:	ORDER
Defendant.	:	
	:	
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WHEREAS, by Order dated July 26, 2021, the Court granted the defendant's request to waive his right to the assistance of counsel and proceed *pro se*, and appointed the defendant's former appointed counsel as standby counsel (Dkt. Entry 485);

WHEREAS, the Third Superseding Indictment in this matter, S3 17 Cr. 548 (PAC), charges the defendant with, among other things, illegally gathering national defense information, in violation of 18 U.S.C. § 793(b) (Count One); the illegal transmission of unlawfully possessed national defense information, in violation of 18 U.S.C. § 793(e) (Counts Two and Three); the attempted illegal transmission of unlawfully possessed national defense information, in violation of 18 U.S.C. §§ 793(e) & 2 (Count Four); and unauthorized access to a computer to obtain classified information, in violation of 18 U.S.C. § 1030(a)(1) (Count Five);

WHEREAS, the defendant is subject to Special Administrative Measures ("SAMs") that, among other things, restrict his access to the Internet or to electronic mail and impose restrictions and monitoring procedures on his delivery of non-legal mail;

WHEREAS, the SAMs are based on, among other things, the defendant's disclosure and attempted disclosure of protected and classified information in violation of the Court's protective orders and laws governing the disclosure of classified information (Dkt. Entry 127 at 2-3 & 7-8);

WHEREAS, the Government has requested an order clarifying that assisting the defendant with the delivery of correspondence relating to this case to the Government is within the scope of the order appointing standby counsel (Dkt. Entry 498);

WHEREAS, the Government has informed the defendant and the Court that, in addition to the availability of the U.S. mail, correspondence relating to this matter may be delivered by the defendant to the Government in the following manners:

- (1) Correspondence can be scanned and emailed to the AUSAs assigned to this matter;
- (2) Correspondence can be delivered to the U.S. Attorney's Office space on the 5th floor of the courthouse, so long as staff is present to accept it;
- (3) Correspondence can be delivered to the U.S. Attorney's Office at One St. Andrew's Plaza; or
- (4) Standby counsel can notify the Government that they have a letter from the defendant and, if personnel are available, the Government will collect the correspondence from standby counsel;

WHEREAS, the Government has requested a courtesy email to the AUSAs assigned to this matter in the event correspondence is delivered pursuant to methods (2) and (3) above; and

WHEREAS, standby counsel is available to "assist[] the *pro se* defendant in overcoming routine procedural or evidentiary obstacles to the completion of some specific task," *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1980);

IT IS HEREBY ORDERED that the authorities and responsibilities of standby counsel in this matter include assisting the defendant with the delivery of correspondence relating to this case to the Government. Standby counsel and the defendant may employ the methods proposed by the Government for the delivery of such correspondence, in addition to the defendant's ability to use the U.S. mails. Other methods will not be considered effective delivery to the Government unless the Government so consents. Documents and information that are classified or that the

defendant or standby counsel reasonably believe may be classified shall continue to be handled according to law and applicable orders entered in this matter.

Dated: New York, New York
September __, 2021

SO ORDERED:

HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE